orientations. The same is true for the Schlafly patent chamber.

In the claimed invention, the slots have inward flare. There is no leaching chamber art showing inward flare slots and no suggestion that such slots would be useful in leaching chambers. As applicants point out in their specification at Page 6, middle paragraph, the prior art desire for having exposed soil surface within the slot teaches toward outwardly flared slots, away from the invention.

The Kothmann patent shows non-analogous art. First, the Kothmann device is for gathering water, not leaching water into the soil. Second, Kothmann teaches having small slot openings 20, 24, which would minimize the soil area exposed to wastewater, and thus degrade the desired aim of a sidewall in a leaching chamber. Third, Kothmann patent teaching is to have vertical, not horizontal slots. Fourth, Kothmann teaches to have continuous open ended slots, and slots all around the device, which would be a teaching to have slots on the top of the chamber.

As to claim 26, there is no art which shows or suggests a chamber having, in addition an upstanding fin along the base flange, along with slots with basic angles which intersect the upstanding fin. The Schlafly chamber shows a fin along the base flange, but has holes only at higher elevation -- teaching away from the invention. As applicants' specification describes, there is an interdependency and thus uniqueness in the combination of inward flare, upstanding fin, and slots a axis-projection elevation of upstanding fin.

DeTuillo characterizes his chamber as a storm chamber while saying can also be used as a leaching chamber. However, he has no teaching on how it could be used as a leaching chamber. It is obvious that if it was buried directly in soil, soil would enter the holes of DeTuillo, making it not useful. The same can be said about the Schlafly device. The devices have to be buried in crushed rock, spaced apart from normal soil, or geotextile (filter fabric) has to be put over the chambers, to cover the holes.

Chambers having horizontal slots, such as in the present invention, are suited for direct contact with the soil. The chamber of the present invention is in class of chambers distinct from that of DeTuillo and Schlafly, which class includes those described in the cited patents, Nichols 4759661 (See Col. 4, lines 21-26) and Sidaway 5556231 (See Col. 3, lines 37-42). The sidewall and associated horizontal slot parameters make them usable for direct contact with the soil; whereas chambers without those, including those with large round holes like DeTuillo and Schlafly, are not usable. There is no teaching from the references about how to make the present invention.

Respectfully submitted,
D. SWISTAK ET AL.

By____________________
Their Attorney

Charles G. Nessler
Box H
Chester, CT 06412
(860) 526 9149 Fax (860) 526 9149 email: cn@cnessler.com

I hereby certify that this correspondence is being deposited with the United States Postal Service as express mail bearing label ED 382573448 US in an envelope addressed to Commissioner of Patents, Box 1450, Alexandria VA 22313 on January 11, 2006.

____
C. G. Nessler